

AMENDED IN SENATE JANUARY 10, 2012

AMENDED IN SENATE JANUARY 4, 2012

SENATE BILL

No. 122

Introduced by Senator Price

January 24, 2011

An act to amend Sections 2709, 2786, and 2798 of, and to add Sections 2786.2 and 2786.5 to, the Business and Professions Code, relating to nursing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 122, as amended, Price. Nursing.

Existing law, until January 1, 2012, creates within the Department of Consumer Affairs the Board of Registered Nursing, and makes the board responsible for the licensure and regulation of registered nurses. Existing law requires the board to meet quarterly.

This bill would require meetings of the board to be held in northern and southern California.

Existing law defines the term “approved school of nursing” and requires the board to approve and regulate registered nursing schools that are institutions of higher education or are affiliated with an institution of higher education, as specified. Existing law requires a school of nursing that is not affiliated with an institution of higher education to make an agreement with such an institution for purposes of awarding nursing degrees.

This bill would delete the provisions requiring an agreement and would instead require that a school of nursing that is not an institution of higher education or that is affiliated with an institution of higher education, and that is subject to the requirements set forth in the California Private Postsecondary Education Act of 2009, obtain board

approval to grant nursing degrees. ~~The bill would require new nursing schools seeking board approval to be recognized or approved by an accrediting agency recognized by the United States Department of Education.~~ The bill would specify that the term “approved school of nursing” includes an approved nursing program. The bill would subject all approved schools of nursing to specified fees for deposit into the Board of Registered Nursing Fund, a continuously appropriated fund. Because the bill adds a new source of revenue to a continuously appropriated fund, the bill would make an appropriation.

Existing law provides that it is unlawful for anyone to conduct a school of nursing unless the school has been approved by the board.

This bill would authorize the board to issue cease and desist orders to a school of nursing that is not approved by the board and would require the board to notify the office of the Attorney General of such a school. The bill would also provide that it is unprofessional conduct for any registered nurse to violate that provision.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2709 of the Business and Professions
- 2 Code is amended to read:
- 3 2709. The board for the purpose of transacting its business
- 4 shall meet at least once every three months, at times and places it
- 5 designates by resolution. Meetings shall be held in northern and
- 6 southern California.
- 7 SEC. 2. Section 2786 of the Business and Professions Code is
- 8 amended to read:
- 9 2786. (a) An approved school of nursing, or an approved
- 10 nursing program, is one that has been approved by the board, gives
- 11 the course of instruction approved by the board, covering not less
- 12 than two academic years, is affiliated or conducted in connection
- 13 with one or more hospitals, and is an institution of higher
- 14 education. For purposes of this section, “institution of higher
- 15 education” includes, but is not limited to, community colleges
- 16 offering an associate of arts or associate of science degree and
- 17 private postsecondary institutions offering an associate of arts,
- 18 associate of science, or baccalaureate degree or an entry-level
- 19 master’s degree, and is an institution that is not subject to the

1 California Private Postsecondary Education Act of 2009 (Chapter
2 8 (commencing with Section 94800) of Part 59 of Division 10 of
3 Title 3 of the Education Code).

4 (b) A school of nursing that is not an institution of higher
5 education or that is affiliated with an institution of higher education
6 as required by the board, and that is subject to the California Private
7 Postsecondary Education Act of 2009 (Chapter 8 (commencing
8 with Section 94800) of Part 59 of Division 10 of Title 3 of the
9 Education Code), shall be approved by the board to grant an
10 associate of arts or associate of science degree to individuals who
11 graduate from the school of nursing or to grant a baccalaureate
12 degree in nursing with successful completion of an additional
13 course of study as approved by the board and the institution
14 involved.

15 ~~(c) If an institution of higher education, an affiliated institution,~~
16 ~~or an institution subject to the California Private Postsecondary~~
17 ~~Education Act of 2009 (Chapter 8 (commencing with Section~~
18 ~~94800) of Part 59 of Division 10 of Title 3 of the Education Code),~~
19 ~~applies for approval of a new school of nursing, the school of~~
20 ~~nursing shall be required to be recognized or approved by an~~
21 ~~accrediting agency recognized by the United States Department~~
22 ~~of Education.~~

23 ~~(d)~~

24 (c) The board shall determine by regulation the required subjects
25 of instruction to be completed in an approved school of nursing
26 for licensure as a registered nurse and shall include the minimum
27 units of theory and clinical experience necessary to achieve
28 essential clinical competency at the entry level of the registered
29 nurse. The board's standards shall be designed to require all schools
30 to provide clinical instruction in all phases of the educational
31 process.

32 ~~(e)~~

33 (d) The board shall perform or cause to be performed an analysis
34 of the practice of the registered nurse no less than every five years.
35 Results of the analysis shall be utilized to assist in the
36 determination of the required subjects of instruction, validation of
37 the licensing examination, and assessment of the current practice
38 of nursing.

39 SEC. 3. Section 2786.2 is added to the Business and Professions
40 Code, to read:

1 2786.2. All private postsecondary schools of nursing approved
2 by the board pursuant to subdivision (b) of Section 2786 shall
3 comply with Article 8 (commencing with Section 94897) to Article
4 16 (commencing with Section 94928), inclusive, of, and shall be
5 subject to Article 18 (commencing with Section 94932) of, Chapter
6 8 of Part 59 of Division 10 of Title 3 of the Education Code. The
7 board shall have a memorandum of understanding with the Bureau
8 for Private Postsecondary Education to ensure compliance with
9 these provisions, including the handling of student complaints
10 regarding these approved schools of nursing.

11 SEC. 4. Section 2786.5 is added to the Business and Professions
12 Code, to read:

13 2786.5. (a) An institution of higher education or a private
14 postsecondary school of nursing approved by the board pursuant
15 to subdivision (b) of Section 2786 shall remit to the board for
16 deposit in the Board of Registered Nursing Fund the following
17 fees, in accordance with the following schedule:

18 (1) The fee for approval of a school of nursing shall be five
19 thousand dollars (\$5,000).

20 (2) The fee for continuing approval of a new nursing program
21 shall be three thousand five hundred dollars (\$3,500).

22 (3) The processing fee for authorization of a substantive change
23 to an approval of a school of nursing shall be five hundred dollars
24 (\$500).

25 (b) If the board determines that the annual cost of providing
26 oversight and review of a school of nursing, as required by this
27 article, is less than the amount of any fees required to be paid by
28 that institution pursuant to this article, the board may decrease the
29 fees applicable to that institution to an amount that is proportional
30 to the board's costs associated with that institution.

31 SEC. 5. Section 2798 of the Business and Professions Code is
32 amended to read:

33 2798. (a) It is unlawful for anyone to conduct a school of
34 nursing unless the school has been approved by the board.

35 ~~(b) A school of nursing that is not an institution of higher~~
36 ~~education or that is affiliated with an institution of higher education~~
37 ~~as required by the board, and that is subject to the California Private~~
38 ~~Postsecondary Education Act of 2009 (Chapter 8 (commencing~~
39 ~~with Section 94800) of Part 59 of Division 10 of Title 3 of the~~
40 ~~Education Code), shall be approved by the board to grant an~~

1 ~~associate of arts or associate of science degree to individuals who~~
2 ~~graduate from the school of nursing or to grant a baccalaureate~~
3 ~~degree in nursing with successful completion of an additional~~
4 ~~course of study as approved by the board and the institution~~
5 ~~involved.~~

6 ~~(e) If an institution of higher education, an affiliated institution,~~
7 ~~or an institution subject to the California Private Postsecondary~~
8 ~~Education Act of 2009 (Chapter 8 (commencing with Section~~
9 ~~94800) of Part 59 of Division 10 of Title 3 of the Education Code),~~
10 ~~applies for approval of a new school of nursing, the school of~~
11 ~~nursing shall be required to be recognized or approved by an~~
12 ~~accrediting agency recognized by the United States Department~~
13 ~~of Education.~~

14 *(b) If the board has a reasonable belief, either by complaint or*
15 *otherwise, that a school is allowing students to apply for its nursing*
16 *program and that nursing program does not have the approval of*
17 *the board, the board shall immediately order the school to cease*
18 *and desist from offering students the ability to enroll in its nursing*
19 *program. The board shall also notify the Attorney General's office*
20 *that the school is offering students the ability to enroll in a nursing*
21 *program that does not have the approval of the board.*

22 *(c) It shall be unprofessional conduct for any registered nurse*
23 *to violate or attempt to violate, either directly or indirectly, or to*
24 *assist or abet the violation of, this section.*

25 *(d) This section is not applicable to schools conducted under*
26 *Section 2789 of this chapter.*